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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,438	09/23/2003	David Milstein	M61.12-0545	2338

27366 7590 11/01/2007  
WESTMAN CHAMPLIN (MICROSOFT CORPORATION)  
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EXAMINER
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BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

MAIL DATE	DELIVERY MODE
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11/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,438

Applicant(s)

MILSTEIN ET AL.

Examiner

Greg Bengzon

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This application has been examined. Claims 1-2,4-60 are pending. Claim 60 is submitted as a new claim.

The Examiner respectfully requests the Applicant to make an accurate statement about the true nature of the invention in order to produce a high quality set of relevant prior art and thus further improve the quality of the examination process. The Applicant amendments and remarks seem to suggest that the invention is towards a subscription/authorization system and not towards a dialogue-based user interface.

### ***Making Final***

Applicant's arguments filed 07/12/2006 have been fully considered but they are moot in view of the new grounds of rejection.

The claim amendments regarding -- *'determining whether the user is authorized to utilize the application necessary to complete the task, and performing the task only if the user is authorized'* -- do not overcome the disclosure by the prior art.

The Examiner is maintaining the rejection(s) using the same grounds for rejection and thus making this action FINAL.

***Priority***

The effective date of the claims described in this application is September 23, 2003.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4-8,13-19,21-29, 34-37,39-46, 50-55, 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leber (US Publication 2003/0182391) in view of Yairi (US Publication 2004/0078424) further in view of Kay (US Publication 2003/0074410).

Leber disclosed (re. Claim 1,26,39,40,42, 57-58) a computer implemented method for task execution based on dialog-based communication with a communication service, comprising: receiving dialog from a user, the dialog being directed to a specialized entity (Leber-Paragraph 67, 'chat box') ; analyzing the dialog to identify a command; (Leber-Paragraph 68) and performing a task on the user's behalf based on

the command. (Leber-Paragraph 67)

While Leber substantially disclosed the invention as claimed, Leber did not disclose (re. Claim 1) determining whether the user is authorized to utilize the application necessary to complete the task, and performing the task only if the user is authorized.

Yairi disclosed (re. Claim 1) authenticating a user for billing according to transaction/services performed.

The Examiner notes that authorization of an IM user is widely known in the networking art since each user is required to register to a portal before being allowed access the IM system, and that authentication is widely known sub-step in the process of authorization. Yairi disclosed authentication in context of authenticating a user (Yairi-Paragraph 35-36) and not an object. Furthermore where the authentication is performed for purposes of billing the user for a particular service/transaction, it would be obvious to a person of ordinary skill in the networking art that there is implicit authorization being granted to the user for said service/transaction.

Furthermore Kay disclosed (re. Claim 1) wherein some transaction/services are restricted and permitting access only to certain users. (Kay-Paragraph 71-75)

Leber, Yairi, and Kay are analogous art because they present concepts and practices regarding presentation of web services via IM to a mobile user. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Yairi into Leber. The motivation for said combination would have been to overcome the shortcomings of SMS (Yairi-Paragraph 7).

Similarly it would have it would have been obvious to a person of ordinary skill in the networking art to combine Kay into Leber-Yairi. The motivation for said combination would have been to avoid having the user enter separate passwords for each service desired. (Kay-Paragraph 24)

Thus Leber-Yairi-Kay disclosed (re.Claim 1) determining whether the user is authorized to utilize the application necessary to complete the task, and performing the task only if the user is authorized. (Yairi-Paragraph 50, Kay-Paragraph 71-75)

Claims 26,39,40,42, 57-58 are rejected on the same basis as Claim 1.

Furthermore Leber-Yairi-Kay disclosed (re. Claim 42) a communication service provider being further configured to present an option to extend access to a service necessary to complete the task. (Yairi-Paragraph 40, 'web service controller offers composite service as follow-up option')

Leber-Yairi-Kay disclosed (re. Claim 2,27,43) wherein analyzing the dialog to identify a command comprises analyzing the dialog to determine which of a variety of applications is necessary to complete the task. (Leber-Paragraph 78, Paragraph 91)

Leber-Yairi-Kay disclosed (re. Claim 6,44) utilizing the specialized entity to participate in dialog interaction with the user to guide the user in the production of said dialog. (Leber-Paragraph 204-205)

Leber-Yairi-Kay disclosed (re. Claim 15,34,52) wherein the communication service is an instant message communication service, and wherein receiving dialog from the user comprises receiving instant message dialog. (Leber-Paragraph 67, '*chat box*') )

Leber-Yairi-Kay disclosed (re. Claim 16,35,53) wherein the dialog is directed to a specialized buddy appearing on an instant messaging buddy list associated with the user. (Leber-Paragraph 267)

Leber-Yairi-Kay disclosed (re. Claim 17,36,54) wherein the communication

service is a text messaging communication service, and wherein receiving dialog from the user comprises receiving text messaging dialog. (Leber-Paragraph 67, '*chat box*') )

Leber-Yairi-Kay disclosed (re. Claim 18,37,55) wherein the communication service is an email transport service, and wherein receiving dialog from a user comprises receiving an email addressed to the specialized recipient. (Leber-Paragraph 67, '*chat box*') )

Leber-Yairi-Kay disclosed (re. Claim 19) wherein analyzing the dialog to identify a command comprises parsing a textual content of the email. (Leber-Paragraph 43 )

Leber-Yairi-Kay disclosed (re. Claim 21) wherein analyzing the dialog to identify a command comprises analyzing the dialog to identify a keyword. (Leber-Paragraph 43 )

Leber-Yairi-Kay disclosed (re. Claim 22,23) performing a task on the user's behalf based on the command. (Leber-Paragraph 67)

Leber-Yairi-Kay disclosed (re. Claim 24,59) wherein performing a task on the



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user's behalf comprises interfacing with a calendar software application. (Leber-Paragraph 105)

Leber-Yairi-Kay disclosed (re. Claim 25,41) wherein execution of the command is contingent upon a set of predetermined circumstances, and wherein performing a task on the user's behalf comprises performing a task when the predetermined set of circumstances have occurred. (Leber-Paragraph 253, '*a periodic reminder*' )

Leber-Yairi-Kay disclosed (re. Claim 4) presenting the user with an opportunity to become authorized when the user is not authorized to utilize the application necessary to complete the task. (Yairi-Paragraph 40, '*composite service offered to the user*', Paragraph 49)

Leber-Yairi-Kay disclosed (re. Claim 5) wherein presenting the user with an opportunity to become authorized comprises presenting the user with an opportunity to purchase access. (Yairi-Paragraph 40, '*composite service offered to the user*', Paragraph 49)

Leber-Yairi-Kay disclosed (re. Claim 7,28,45) wherein utilizing the specialized entity to participate in dialog interaction with the user comprises: presenting the user with a plurality of choices; and receiving from the user a selection of one of the plurality of choices. (Yairi-Paragraph 30)

Leber-Yairi-Kay disclosed (re. Claim 8,29,46) wherein performing a task on the user's behalf comprises performing a task tailored to the selection of one of the plurality of choices. (Leber-Paragraph 91)

Leber-Yairi-Kay disclosed (re. Claim 13,14,50,51) determining a geographic location of a device with which the user is communicating with the communication service. (Yairi-Paragraph 34, *' alerting to traffic information subsequent to providing driving directions (optionally further based on a location of the mobile terminal)'* )

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12,20, 30-33, 38, 47-49,56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leber (US Publication 2003/0182391) in view of Yairi (US Publication 2004/0078424) further in view of Kay (US Publication 2003/0074410) further in view of Kennewick (US Publication 2004/0193420).

While Leber-Yairi-Kay substantially disclosed the invention as claimed, Leber-Yairi-Kay did not disclose (re. Claim 9,30) performing a task tailored to a parameter listed in a profile associated with the user; (re. Claim 10,31,47) performing a task tailored to a preference associated with the user; (re. Claim 11,32,48) wherein the preference is set by the user; (re. Claim 12,33,49) wherein the preference is automatically set based on a history of user interactions with the specialized entity.

Kennewick disclosed (re. Claim 9, 10, 11,12,30,31,32,33,47,48,49) performing a task tailored to a parameter listed in a profile associated with the user;(Kennewick-Paragraph 11, '*user specific profile data*'). Kennewick disclosed (re. Claim 12,33,49) wherein the preference is automatically set based on a history of user interactions with the specialized entity. (Kennewick – Paragraph 32)

Leber,Yairi,Kay, and Kennewick are analogous art because they present concepts and practices regarding presentation of web services via IM to a mobile user.

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At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Kennewick into Leber. The motivation for said combination would have been to allow for natural language speech queries or commands in a vehicular environment. (Kennewick-Paragraph 6)

While Leber-Yairi-Kay substantially disclosed the invention as claimed, Leber-Yairi-Kay did not disclose (re. Claim 20,38,56) wherein the communication service is an automated telephone system, and wherein receiving dialog from a user comprises receiving speech communication.

Leber-Yairi-Kay-Kennewick disclosed (re. Claim 20,38,56) wherein the communication service is an automated telephone system, and wherein receiving dialog from a user comprises receiving speech communication. (Kennewick-Paragraph 76)

Leber-Yairi-Kay and Kennewick are analogous art because they present concepts and practices regarding presentation of web services via IM to a mobile user. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Kennewick into Leber. The motivation for said combination would have been to allow for natural language speech queries or commands in a vehicular environment. (Kennewick-Paragraph 6)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leber (US Publication 2003/0182391) in view of Yairi (US Publication 2004/0078424) further in view of Kay (US Publication 2003/0074410) further in view of Mondragon (US Publication 2002/0103879).

While Leber-Yairi-Kay substantially disclosed the invention as claimed, Leber-Yairi-Kay did not disclose (re. Claim 60) wherein presenting the user with an opportunity to become authorized comprises presenting the user with an opportunity to accept free access.

Mondragon disclosed (re. Claim 60) wherein presenting the user with an opportunity to become authorized comprises presenting the user with an opportunity to accept free access. (Mondragon-Paragraph 7, Paragraph 14)

Leber-Yairi-Kay and Mondragon are analogous art because they present concepts and practices regarding presentation of web services via IM to a mobile user. At the time of the invention it would have been obvious to a person of ordinary skill in the networking art to combine Mondragon into Leber-Yairi-Kay. The motivation for said combination would have been to provide free service for an unlimited period.

(Mondragon-Paragraph 6)

### ***Response to Arguments***

Applicant's arguments filed 08/20/2007 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant presents the following argument(s) [in italics]:

*very generally speaking, "authorized" in claim 1 is referring to a step that occurs before a task is performed, and "authenticating" in Yairi is referring a step that occurs while monitoring and providing feedback on the status of a request.*

The Examiner notes that authorization of an IM user is widely known in the networking art since each user is required to register to a portal before being allowed access the IM system, and that authentication is widely known sub-step in the process of authorization. Yairi disclosed authentication in context of authenticating a user

(Yairi-Paragraph 35-36) and not an object. Furthermore where the authentication is performed for purposes of billing the user for a particular service/transaction, a person of ordinary skill in the networking art would understand that there is implicit authorization being granted to the user for said service/transaction.

However in order to expedite prosecution the Examiner is presenting prior art by Kay with disclosure regarding *determining whether the user is authorized to utilize the application necessary to complete the task, and performing the task only if the user is authorized.*

The Examiner respectfully requests the Applicant to make an accurate statement about the true nature of the invention in order to produce a high quality set of relevant prior art and thus further improve the quality of the examination process. The Applicant amendments and remarks seem to suggest that the invention is towards a subscription/authorization system and not towards a dialogue-based user interface.

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

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Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

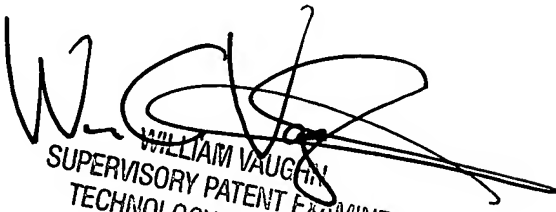


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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